


Testimony of William Darcy on S.B. 126

Members of the Environment Committee, my name is William R. Darcy and I live in Ashford, CT. In 2009 I responded to the call of President Obama and Congress for national energy efficiency and independence from foreign oil by purchasing an EPA approved hydroponic heater, a Central Boiler E-Classic 2300, to provide heat and hot water to my home and business. The Stimulus Bill made this energy efficient unit eligible for a \$1,500 tax credit. I purchased, permitted and installed this system because of the federal incentives, the significant annual fuel cost savings and to stop subsidizing rogue and terrorist states with my oil purchases. My annual heating and hot water bills will be reduced from \$6,000 a year to about \$1,500 (not including my labor).

Contrary to the claims of some advocates for S.B. 126 who say wood boilers billow large quantities of smoke 24 hours a day, **most of the day my unit does not emit any smoke.** I have attached as Appendix B pictures of the stack emissions from my boiler I took last Friday, March 5, 2010, in its normal smokeless state, abnormal state, and active burn state. The unit replaces (or will replace) three other hydrocarbon emission sources (two furnaces and a wood stove). The stack is close to my house which is downwind from the stack. I have allergies and I am a cancer survivor (thyroid), but the emissions have not been offensive in sight or smell, nor do I believe it endangers my health. I have received no complaints from neighbors.

I strongly oppose S.B. 126 and other efforts that will limit the use of my hydroponic heater and thus dramatically increase my costs of living and business costs. Appendix A lists specific reasons why wood burning is good for Connecticut and S.B. 126 is very bad for Connecticut. Connecticut residents and businesses struggle with high costs of living every day and we do not need more government actions that dramatically increase our living and business costs. Wood burning for heat and hot water in America is older than the nation and the use of wood fueled hydroponic heaters is consistent with that tradition. Wood is a locally grown and harvested renewable source of fuel whose use should be encouraged rather than discouraged. The use of wood to heat homes and businesses in Eastern Connecticut is quite extensive and the curtailment of its use by S.B. 126 would be a major blow to the region. S.B. 126 will create a large incentive to political action by individuals and businesses to stop or reverse the harmful economic impact.

Wood burning for heat and hot water is good for Connecticut and good for this nation. Abuses of this energy source can be remedied by existing means without using the excessive and blunt instrument of discriminatory bans and increased government power. There are existing remedies for unreasonable infringements on the use and enjoyment of property. Individuals have always been empowered by the common law to bring private nuisance suits, the Health Department currently has powers to abate nuisances and DEP has air pollution enforcement powers. Those existing powers should be used to address localized combustion abuses rather than passing new legislation which will significantly harm Connecticut residents and businesses.


William R. Darcy
Ashford, CT

APPENDIX A

Wood Burning Helps Connecticut, S.B. 126 Harms Connecticut

Wood Burning Saves Residents Significant Money on their Heating and Hot Water Costs:

My annual costs (not counting sweat equity in cutting, splitting and stacking wood) has gone down from \$6,000 to \$1,500 per year.

Wood Burning Saves Businesses Money: Overhead costs for business are very high in Connecticut. Many small businesses depend on wood burning to keep high overhead costs down. This bill will significantly increase the costs of my business.

Wood Burning Stimulates Local Business: The fuel for wood burners comes from local forestry companies (in my case two companies in Pomfret) and local equipment dealers such as Mainline Heating in Ashford (the units are too big for mail order). Those businesses will be greatly harmed by S.B. 126.

Wood Burning Enables Freedom from Foreign Energy Sources: Energy independence has been a national goal for four decades and wood burning does something meaningful to reduce our national reliance on foreign sources of energy.

Wood Burning is in the Interests of National Security: Foreign oil purchases fund terrorist regimes (e.g., Iran) and rogue countries (e.g., Venezuela) and further centralizes power in those regimes because they own their nation's oil resources.

S.B. 126 is Contrary to Federal Policy: The Stimulus Bill signed by Obama last February gave a 30 percent tax credit (up to \$1,500) for the purchase of a 75 percent efficient wood/biomass-burning stove. S.B. 126 would limit or prohibit the use of units specifically approved by the EPA and subsidized by federal legislation. <http://www.epa.gov/burnwise/owhhlist.html>

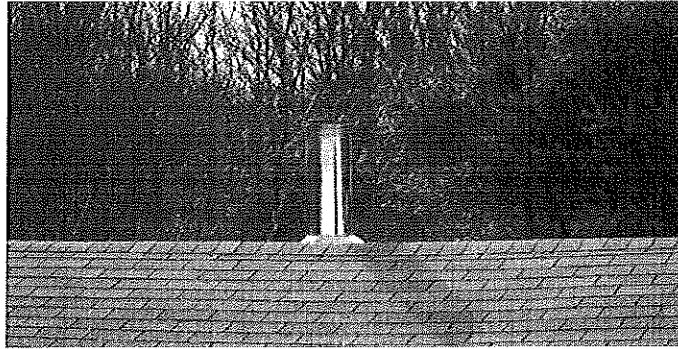
Modern Hydroponic Heaters Are More Efficient and Less of a Health Problem than Old Wood Furnaces and Boilers, Wood Stoves, and Fireplaces.

There are Existing Remedies for Wood Combustion Abuses: Combustion abuses sometimes occur but they can be remedied with existing law (common law nuisance lawsuits, DEP air pollution enforcement; health statutes, etc.) without harming responsible users. See, e.g. the Connecticut Supreme Court decision in *Pestey v. Cushman*, 259 Conn. 345 (2002) concerning private nuisance suits and the April 23, 2009 Department of Health EHS Circular Letter # 2009-32 advising local officials on the use of existing health statutes to remedy outdoor smoke nuisances.

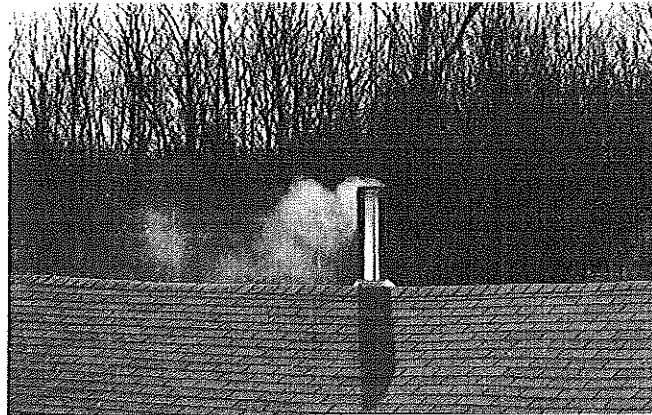
Municipalities Should Make Any Wood Burning Prohibition Decisions, Not Hartford legislators or bureaucrats. Any health problems created by these small emission sources are local and municipalities are best able to make the trade-offs between the financial and health interests of their residents.

Darcy Ashford E-Classic 2300

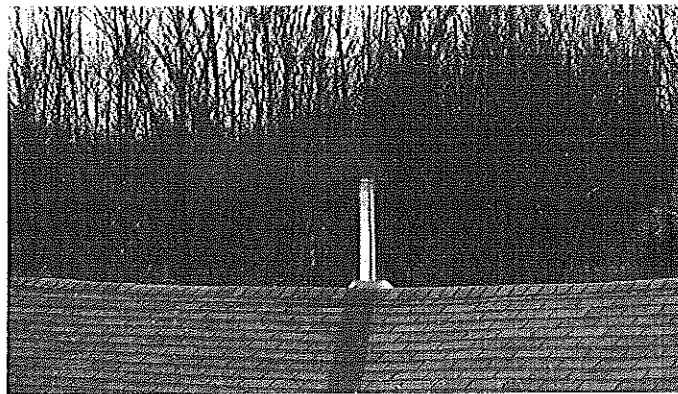
The pictures below taken on March 5, 2010 show my hydroponic boiler stack in its three phases. The normal state, which it is in a majority of time, is smokeless. The second picture shows the worst case during active combustion after it is loaded with wood (twice a day). The bottom picture is 15 minutes later, when it is still in full combustion state but not agitated by the wood loading. Even during active combustion many times there is no smoke visible.



Normal State



Worst Case: Full Combustion after Wood Loading



Full Combustion State